

**A RESOLUTION BY COMMITTEE ON PUBLIC SAFETY AND LEGAL
ADMINISTRATION**

02- R -0513

A RESOLUTION AUTHORIZING THE SETTLEMENT LAWSUITS FILED IN FULTON COUNTY SUPERIOR COURT BY AMK, Inc. vs. the CITY OF ATLANTA CASE NUMBER E-70858 AND ANTHONY RANDAZZO. v. AMK, Inc. and the CITY OF ATLANTA, CASE NUMBER E-70858. , FOR THE 23 CLAIRE DRIVE SAND PIT CLEAN-UP PROJECT IN THE AMOUNT OF \$100,000.00; AND FOR OTHER PURPOSES.

WHEREAS, on January 26, 1996, pursuant to a request from the Director of the Bureau of Motor Transport, the Bureau of Purchasing and Real Estate granted emergency authorization for the clean-up of a sand pit area at the Bureau of Motor Transport's 23 Claire Drive facility ("the Project") ; and

WHEREAS, AMK, Inc. was selected to complete the Project authorized by the emergency authorization; and

WHEREAS, AMK, Inc. hired several subcontractors to perform work on the Project; and

WHEREAS, AMK, Inc. failed to fully compensate its subcontractors for work allegedly performed in connection with the clean up Project; and

WHEREAS lawsuits have been filed by AMK Inc. and its subcontractor Anthony Randazzo ; and

WHEREAS, the only issue remaining in the lawsuit between AMK, Inc. and the City was the value of the work allegedly performed by AMK, Inc. and its subcontractors; and

WHEREAS, the City desires to resolve all remaining payment issues with the AMK Inc., and all subcontractors without the necessity of continued protracted litigation; and

WHEREAS, all parties, including the City, have agreed to dismiss all pending claims, including those for attorney's fees, with prejudice; and

WHEREAS, the City disputes the claims asserted by AMK, Inc. and the subcontractors and denies that any amounts are due and owed, however, believes settlement of these issues is in the best interest of the City. The City's settlement of the claims asserted shall in no way be construed to mean that the City has any liability for payment to any subcontractor or the prime contractor, AMK, Inc. for work performed on this project and the City expressly denies liability for payment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA GEORGIA, AS FOLLOWS:

Section 1. That the City Attorney be and is hereby authorized to conclude complete settlement of all claims, including attorney's fees, which have been asserted or could have been asserted and from which negotiations have been completed with AMK, Inc. and Anthony Randazzo for the following amounts

in connection with the Bureau of Motor Transport's 23 Claire Drive sand pit clean up Project in connection with the cases of AMK, Inc. v. the City of Atlanta; Case Number E-70858; and Anthony Randazzo v. AMK, Inc. and the City of Atlanta; Case Number E-70858. Settlements shall be distributed in the cases settled in the following amounts:

AMK, Inc. and Robert Wright, Attorney	CAFN. E-70858	\$ 90,000.00
Anthony Randazzo	CAFN. E-70858	\$ 10,000.00

Section 2. That the Chief Financial Officer is authorized and directed to pay the respective sums and amounts as negotiated between the parties. Such amounts are to be paid from Fund, Account and Center number 1A01-529017-T3001.

Section 3. That the City Attorney is hereby directed to prepare the appropriate dismissals, releases and other settlement documents as are necessary to protect the City's interest.

Section 4. That nothing in this resolution shall operate, nor shall be construed, to estop or prejudice the City from contesting the validity of or disputing liability for any subcontractor or general contractor claims asserted or which could have been asserted in connection with this project or claims asserted by any other subcontractor or general contractor on any other City project, whether such claims are mature or are hereafter accruing.